

REMARKS

Claims 1 and 10-13 presently appear in this case. All of these claims have been allowed. The official action of January 9, 2008, has now been carefully studied. Reconsideration and passage to issue are respectfully urged.

Briefly, the present invention relates to a DNA sequence coding for a protein encoded by SEQ ID NO:4, which protein is herein designated IREN. The invention also relates to vectors and host cells and pharmaceutical compositions comprising such DNA.

In telephone interviews with the examiner on February 8 and February 14, 2008, the undersigned pointed out to the examiner that the rejection of claims 30 and 33 under 35 U.S.C. 112, first paragraph, did not appear in the official action mailed May 1, 2007, and, thus, it did not appear that there were any grounds for this rejection that have been made of record in this case. The examiner checked the situation and called the undersigned back stating that an error had been made in this regard and that the official action of January 9, 2008, would be withdrawn in favor of a new official action with a full rejection of claims 30 and 33 under 35 U.S.C. 112. The undersigned, however, asked the examiner to hold off in taking such action as the applicant may be interested in simply deleting claims 30 and 33 in order to obtain prompt

Appln. No. 10/070,255
Amdt. dated February 14, 2008
Reply to Office action of January 9, 2008

allowance of the claims that have already been indicated to be allowable.

On February 14, 2008, the undersigned informed the examiner by telephone that the applicant had indeed decided to delete claims 30 and 33, thus obviating the need for withdrawal of the official action of January 9, 2008, and reissuance thereof. The examiner stated that in view of this telephone message, she would take no further steps to withdraw the official action of January 9, 2008, and would await a response thereto in which claims 30 and 33 would be deleted.

Claim 36 has been objected to as being a substantial duplicate of claim 1.

Claim 36 has now been deleted, thus, obviating this objection.

Claims 30 and 33 have been rejected under 35 U.S.C. 112, first paragraph. While the examiner has not specified the grounds for this rejection, nevertheless, in order to expedite allowance of the remaining claims and without prejudice toward the continued prosecution of these claims in a continuing application, claims 30 and 33 have now been deleted, thus obviating whatever rejections thereof may be of record or might be made in the future.

Accordingly, as all of the claims now present in the case have been indicated to be allowed and free of the prior

Appln. No. 10/070,255
Amdt. dated February 14, 2008
Reply to Office action of January 9, 2008

art of record and prior art searched, prompt passage to issue
is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /rlb/
Roger L. Browdy
Registration No. 25,618

RLB:jmd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\I\inl2\Wallach28\PTO\2008-02-14Amd.doc